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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,160	12/15/2003	Tim Bucher	15679.1.1	4424

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EXAMINER	
EL HADY, NABIL M	
ART UNIT	**PAPER NUMBER**
2152	

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/736,160	BUCHER ET AL.	
	Examiner	Art Unit	
	Nabil M. El-Hady	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5/3/04 & 10/14/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Claims 1-30 are pending in this application.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4-6 and 17-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following words or phrases in not clearly understood rendering the corresponding claims vague or indefinite:

a) "enabling the computing to engage in ", claim 22, lines 5-6. It is unclear if the computing process or the computing device is the one that is being enabled to engage in.

B. The following lack antecedent basis:

a) "the appliance", claim 4, lines 1 and 3; claim 6, line 1;

b) "the appliance(s)", claim 17, line 1.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Krzyzanowski et al. (US 6,792,323), hereafter "Krzyzanowski".

6. As to claim 1, Krzyzanowski discloses the invention substantially as claimed including a content management system (Figs. 1-3) comprising a network appliance (control server 114, Fig. 1) configured to be deployed in a local area network and/or remote office network (Fig. 1; and col. 4, lines 9-12), wherein the appliance is configured to communicate with a computing device in the corresponding network (e.g. col. 1, line 65 to col. 2, line 17) and the appliance includes, or accesses, various systems, software and devices that facilitate content management within the corresponding network (e.g. Fig. 3; and col. 4, lines 29-46); and a computer readable medium carrying computer executable instructions which enable the computing device to, upon placement of the network appliance in communication with the computing device, identify the network appliance (col. 15, lines 35-45) and enable the network appliance to access selected content on the computing device (e.g. col. 5, lines 8-16).

7. As to claim 13, the claim is rejected for the same reasons as claim 1 above. In addition, Krzyzanowski discloses a content management system (Figs. 1-3) comprising a wireless enabled network appliance (e.g. control server 114, Fig. 1; and col. 2, lines 36-38) configured to be deployed in a local area network (Fig. 1; and col. 4, lines 9-12), wherein the appliance facilitates content management within the network (e.g. Fig. 3; and col. 4, lines 29-46); a wireless enabled computing device (e.g. col. 1, line 65 to col. 2, line 17; and col. 2, lines 34-38), wherein the computing device comprises a computer readable medium carrying computer executable instructions which enable the computing device to, upon placement of the network

appliance in wireless range of the computing device, provide permission to the network appliance to access selected content on the computing device; and a remote content management service, wherein the remote content management service is configured to communicate with and interface (col. 5, lines 8-10) between the network appliance and remote users and/or systems (col. 4, lines 48-49) such that the remote users and/or systems can access content stored on the network appliance and/or the computing device (col. 4, lines 47-56).

8. As to claim 22, the claim is rejected for the same reasons as claims 1 and 13 above. In addition, Krzyzanowski discloses a method for providing automated data storage and file sharing services (abstract; Fig. 2; and col. 10, lines 3-50) , the method comprising the acts of providing a wireless-enabled computing device (e.g. control server 114, Fig. 1; and col. 2, lines 36-38) within a local area network (Fig. 1; and col. 4, lines 9-12); installing software on a computing device, the software enabling the computing device to engage in wireless communications with a content management network appliance; and placing a content management network appliance within wireless range of the wireless-enabled computing device, whereby the wireless-enabled computing device and the content management network appliance automatically initiate communication with each other (inherent in Krzyzanowski's disclosure of wireless communication, col. 7, lines 33-34, where any wireless communication between two entities in the network is based on one entity has a software to enable wireless communication and the other also has software to enable communication when both are in a wireless range).

9. As to claim 30, the claim is rejected for the same reasons as claims 1, 13, and 22 above. In addition, Krzyzanowski discloses a computing network, a computer program product for implementing a method suitable for use on a wireless enabled computing device in a local area network (abstract) , the computer program product comprising a computer readable medium carrying computer executable instructions for performing the method, wherein the method comprises configuring wireless systems on the computing device to monitor for a wireless enabled network appliance upon the wireless system on the computing device identifying a wireless enabled network appliance (inherent in Krzyzanowski's disclosure of wireless communication, col. 7, lines 33-34, where any wireless communication between two entities in the network is based on one entity has a software to enable wireless communication and the other also has software to enable communication when both are in a wireless range), verifying whether the network appliance has permission to access the computing device, and upon verifying that the wireless enabled network appliance has permission to access the computing device, providing access to selected content on the computing device to the network appliance (col. 22, lines 9-15, 47-53; and col. 9, lines 19-23).

10. As to claims 2, 15, and 24, discloses the network appliance is enabled to copy selected content from the computing device to the network appliance such that the content is made accessible to other users on the network or remote users (col. 2, lines 18-23; and lines 44-47).

11. As to claim 3, Krzyzanowski discloses the network appliance is placed in communication with the computing device via wireless communication systems on each of the network appliance and the computing device (col. 2, lines 34-36; and col. 7, lines 33-34).

12. As to claims 4 and 17, Krzyzanowski discloses the appliance has an associated database and policy engine that incorporates various rules for the handling of content created on, or sent to, the appliance (302, 314, 312, 304, 306, 308, and 310 of Fig. 3; col. 11, lines 23-37; and col. 22, lines 8-15).

13. As to claims 5 and 18, discloses the various rules relate to one or more of the distribution, storage, sharing, and secure and reliable backup of content, on both local and remote devices (302, 314, 312, 304, 306, 308, and 310 of Fig. 3; and col. 11, lines 23-37).

14. As to claims 6 and 19, Krzyzanowski discloses the appliance is configured to create, update, and maintain databases located at remote location (col. 9, lines 19-23, 54-57), and also to permit remote users to access local content, either directly or by way of an Internet-based service (col. 2, lines 44-47; col. 9, lines 31-34; and col. 11, lines 17-22).

15. As to claims 7 and 20, Krzyzanowski discloses the network appliance further performs a function selected from the group consisting of: content backup with multiple versions (col. 10, lines 29-36); content sharing with user-selected accessibility (col. 9, lines 19-23; col. 2, lines 41-47; and col. 22, lines 47-53); and content indexing (col. 10, lines 45-48).

16. As to claims 8 and 21, Krzyzanowski discloses the network appliance further performs a function selected from the group consisting of: firewall services; network computing device diagnostics and monitoring, network use statistics, and usage reporting (col. 4, lines 37-40; and col. 5, lines 13-16) .

17. As to claim 9, Krzyzanowski discloses a remote content management service, wherein the remote content management service is configured to communicate with and interface between the network appliance and remote users and/or systems such that the remote users and/or systems can access content stored on the network appliance (inherent in col. 6, lines 24-27; col. 7, lines 22-32; col. 13, lines 41-48).

18. As to claim 10, Krzyzanowski discloses the remote content management service enables remote users and systems to gain remote access to the computing device (inherent in col. 6, lines 24-27; col. 7, lines 22-32; col. 13, lines 41-48).

19. As to claims 11 and 14, Krzyzanowski discloses the remote content management service provides a function selected from the group consisting of: content backup with versions and remote content sharing(col. 10, lines 29-36; col. 9, lines 19-23; col. 2, lines 41-47).

20. As to claim 12, Krzyzanowski discloses the remote content management service contains a content index of the content on the computing device (col. 10, lines 45-48), wherein the content index is accessible by authorized remote users and/or systems (col. 14, lines 26-40).

21. As to claim 23, Krzyzanowski discloses the content management network appliance automatically inventories the computing device to identify data to be backed- up and/or made available to other users or systems (query, col. 9, lines 53-56).

22. As to claim 25, Krzyzanowski discloses the act of backing up data from at least one of the wireless-enabled computing devices onto a storage medium on the network appliance (col. 9, lines 54-57).

23. As to claim 26, Krzyzanowski discloses the backed up copy of the data on the network appliance has metadata associated with it that identifies which users may access the data (col. 10, lines 21-22).

24. As to claim 27, Krzyzanowski discloses the network appliance further coordinates the act of backing up data from the computing device onto a remote storage medium (202, Fig. 2; col. 9, lines 54-57; and col. 10, lines 3-10)

25. As to claim 28, Krzyzanowski discloses the data that is backed up on the network appliance is s; and 310 of Fig. 3), wherein the degree of availability may be selected by a user (col. 22, lines 8-15).

26. As to claim 29, Krzyzanowski discloses the network appliance provides connectivity to the Internet and data sharing (abstract; and Fig. 2) and redundancy services between the local area network and a remote service, remote computers, and/or remotes system (Fig. 2; col. 4, lines 50-56; and col. 5, lines 8-16).

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sim, Siew Yong (US 2002/0083118), and Graham et al. (US 2002/0178271).

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil M. El-Hady whose telephone number is (571) 272-3963. The examiner can normally be reached on 9:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 3, 2006

Nabil El-Hady, Ph.D, M.B.A.
Primary Examiner
Art Unit 2152